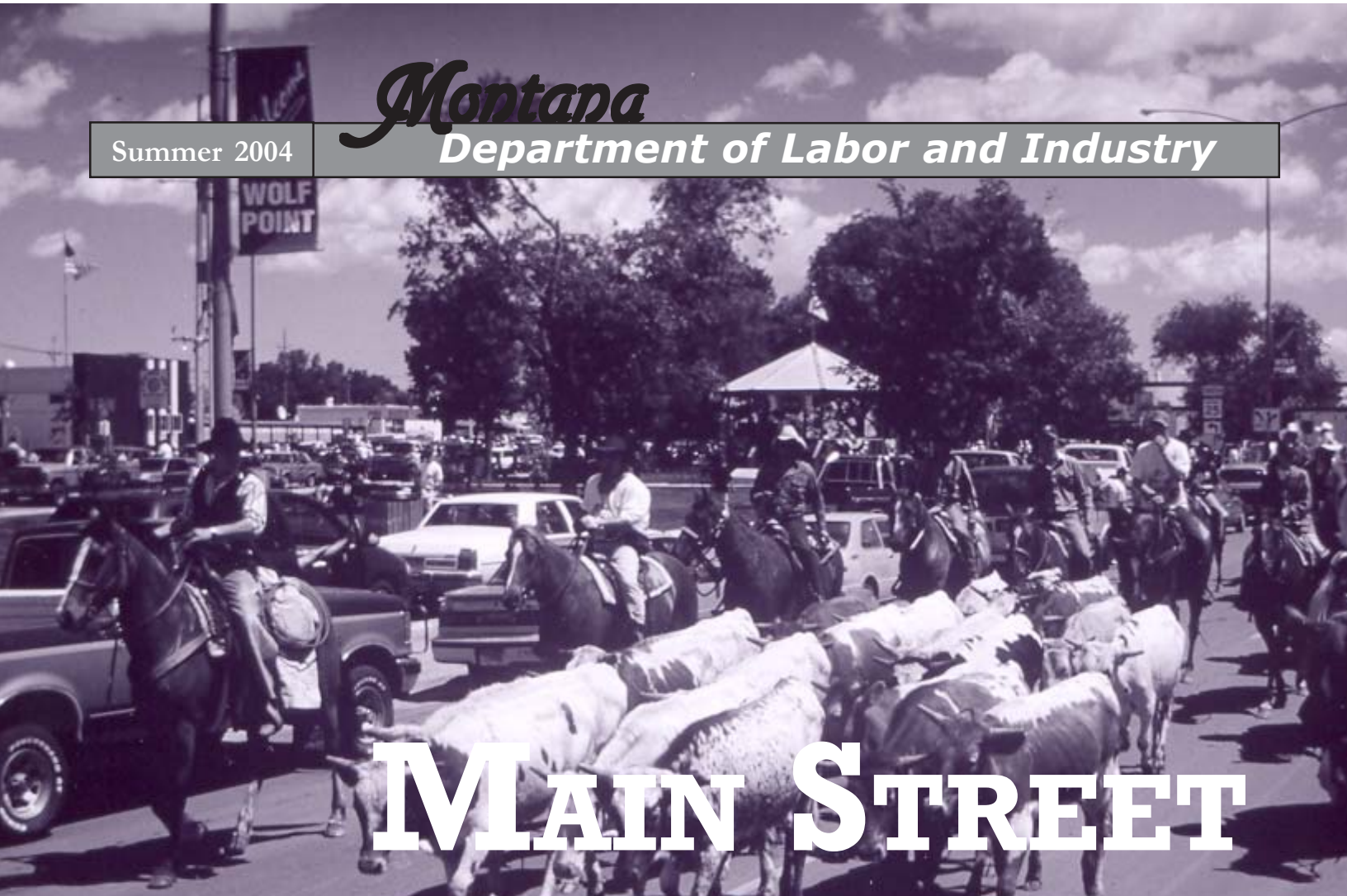


Summer 2004

*Montana*

*Department of Labor and Industry*



# MAIN STREET

Wolf Point, MT  
Photo courtesy of Donnie Sexton,  
Travel Montana

# MONTANA

## *Look Inside*

Hiring Youth for Summer Jobs  
Valley and Roosevelt Counties  
Educational Opportunities  
Safety Tips

*Information, answers and solutions for employers*

# **MAIN STREET MONTANA**

**Published quarterly by the Montana  
Department of Labor and Industry**

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# MAIN STREET

## MONTANA

Volume 3, Issue 2

Summer 2004

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**Ft. Peck Dam, photo by  
Donnie Sexton, Travel  
Montana**

The winds of change are definitely upon us as we move into another beautiful Montana summer. This fall, we'll be electing a new governor, and we'll elect new faces to the legislature precipitated by term limits and redistricting.

At the national level, the Presidential election will impact all of us in our work and personal lives as our leaders face tough choices: a war in Iraq, the outsourcing and off-shoring of manufacturing jobs, the health care worker crisis, and increased demand for domestic programs in lean budget times.

Businessman, philanthropist, and author, W. Clement Stone said, "To every disadvantage, there is a corresponding advantage." I think this sums up the best view of some of the challenges facing our state and our nation. A key example - I'm often asked how the federal government determines how much funding to allocate to states for their respective workforce development programs. Those of you who follow federal funding for workforce programs have probably noticed that federal funding for Montana's programs has decreased, even though our economic indicators have not shifted dramatically. A major component of the formulas used to distribute federal funds, particularly for job training, is the unemployment rate, presenting both a disadvantage and advantage for Montana. Our state unemployment rate typically stays right around 4.5%, with rare, but minor, variances. When the rest of the nation experiences extremely low unemployment rates, our 4.5% seems high, and our portion of federal funds tends to increase. However, when the rest of the states experience high levels of unemployment, as in recent years, Montana's 4.5% seems relatively low, and our funding decreases.

Whether or not we are experiencing advantages or disadvantages, I want you to know that we in the Department of Labor and Industry are committed to serving the needs of our business customers as our main priority. We want to help you be successful so that Montana workers can find and keep jobs in Montana. Serving you with top-notch human resources assistance, and advice and education on laws, rules, and requirements, now and into the future, will continue, regardless of the winds of change.

A handwritten signature in dark ink, appearing to read "Andy K. Kating".



## **GOOD QUESTIONS:**

# **Hiring Youth for Summer Work**

### **QUESTION:**

What is the minimum hiring age in Montana?

### **ANSWER:**

Minors in Montana can work around the home or residence in domestic chores such as baby sitting, house cleaning, and yard work. Minors under 14 can also deliver newspapers or work as actors/performers.

### **QUESTION:**

At what age can minors work in other than domestic services?

### **ANSWER:**

Minors who are 14 or 15 can work in a variety of non-hazardous occupations in business locations such as offices, grocery stores, retail stores, and restaurants.

### **QUESTION:**

Are there restrictions on how many hours minors can work in a day or week?

### **ANSWER:**

Yes. During the summer when school is not in session, minors ages 14-15 cannot work before 7:00 a.m. or later than 9:00 p.m. They cannot work more than 40 hours per week, but there are no additional restrictions on the number of hours they can work each day. During the school year, there are additional restrictions on the hours minors of this age can work.

### **QUESTION:**

Do the same hourly restrictions apply for older teens?

### **ANSWER:**

No. Minors ages 16-17 are not subject to any restrictions on the times they can work or the hours they can work per day or per work week.

### **QUESTION:**

Are there restrictions on the type of work minors can do?

### **ANSWER:**

Minors can engage in any occupation not deemed hazardous by the Commissioner of Labor and Industry. Hazardous occupations are those that involve risk or are detrimental to the health and well-being of individuals under 18. Examples include logging, mining, roofing, work involving exposure to radioactive substances and the operation of power driven woodworking machines.

### **QUESTION:**

Am I required to pay at least the minimum wage to employees who are minors?

### **ANSWER:**

Yes, all employees must be paid a minimum of \$5.15 per hour. In addition, if your employees receive tips, you cannot include tips in the calculation of wage payments.

## **Governor's Council Formed to Address Workplace Wellness Issues**

by Lynda Blades



Gov. Judy Martz, in collaboration with the state departments of Public Health and Human Services and Labor, has formed a Governor's Council on Worklife Wellness.

Last December, when Gov. Martz signed the executive order creating the council, she acknowledged that a healthy workforce can have a positive impact on the state's economy.

Employee wellness programs have been shown to be effective in reducing medical costs as well as increasing productivity and job performance.

The Governor's Council on Worklife Wellness convened for the first time in January and will continue to meet quarterly.

The council's goal is to engage Montana employers in providing policies, benefits, environmental conditions, and programs that support heart-healthy behaviors among their employees. The group is in the process of finalizing objectives and planning activities for the next three to five years.

For more information about the council, contact

Lynda Blades, program officer with the DPHHS Cardiovascular Health Program, at 444-7324 or [lblades@state.mt.us](mailto:lblades@state.mt.us).

# Safety Makes Sense

**Mary Boyle**  
**Montana State Fund**

An investment in a safe, productive workplace is no accident. When a business creates a strong safety culture throughout their organization, they have the opportunity to mold a program that is compatible with their needs. This proactive approach can control rising workers' compensation insurance costs, prevent fewer accidents, and improve employee morale and productivity.

Montana State Fund (MSF) is committed to helping Montana business owners develop and implement an effective safety campaign. Through safety workshops, Internet information and customer service, MSF helps business owners succeed.

## Safety Trainings

MSF hosts a variety of safety seminars on a regular basis. These interactive trainings make it easier for participants to establish a safer and more productive work environment. The workshops are open to any Montana employer, not just MSF policyholders. The 4-hour sessions provide relevant information for supervisors, business owners, managers, safety committee members, workers' compensation personnel or insurance agents. They are free of charge and held at convenient locations and times around the state.



Some topics presented at past seminars have included:

- **Back injuries:** What can be done to prevent on the job back injuries.

- **The Importance of a Safety Committee in the workplace:** How to create a more efficient and effective safety committee at your business. Who should be on a safety committee? How often should the committee meet?

- **Fraud:** What is fraud in the workplace? What are the signs of a potentially fraudulent case? What can you do up front to prevent fraudulent claims at your business?

- **Slips, Trips, and Falls:** Don't let Mother Nature's dastardly deeds get you down.

- **Ergonomics:** How to prevent repetitive motion injuries.

For a complete list of upcoming training topics, locations and dates go to [www.montanastatefund.com](http://www.montanastatefund.com) or call 800-332-6102.

Safety help is just a mouse click away - MSF's Internet site, [www.montanastatefund.com](http://www.montanastatefund.com), has become an invaluable tool that individuals can use to access safety programs and services on a 24-7 basis. The site offers topics that any business owner can use to enhance their safety program. These include:

- Agriculture
- Biohazards
- Construction
- Ergonomics
- Industrial Hygiene
- Safety and education
- Transportation
- Federal and State Government Safety Related Links

## Customer Service

MSF's safety "masters" are the organization's safety management consultants (SMC's). Through one-on-one appointments and readily available information, the SMC's draw on their experiences to help our customer's shape their own individual safety programs. SMC's are strategically located throughout the state to provide superior customer service.

Make sense out of your safety program. For more information on MSF's safety workshops and other safety programs call 800-332-6102 or visit [www.montanastatefund.com](http://www.montanastatefund.com).

## Belgrade Man Convicted of Theft from Unemployment Insurance

by Robin Vander Voort



Thomas Richards of Belgrade, Montana, was found guilty in District Court of felony theft from the unemployment insurance program on Tuesday, April 6, 2004.

Richards was working part-time, and while eligible for partial unemployment benefits, neglected to report his part-time employment and continued to collect full benefits. Richards' employer protested the charges to their account, and requested an investigation by the Department of Labor and Industry's investigation unit in the Unemployment Insurance Division. Investigators confirmed Richards was collecting unemployment benefits beyond the amount he was eligible to receive, and provided several opportunities for Richards to repay the overpayment. Richards did not repay the money, so the Department of Labor and Industry turned the matter over to the Gallatin County

Attorney's office charging felony theft, common scheme.

"We are serious about prosecuting individuals who fraudulently abuse the unemployment insurance system," said Keith Kelly, administrator of the Unemployment Insurance Division.

"It is not fair to either the employers who fund the program or those truly in need of unemployment benefits," he continued.

Gallatin County Attorney Marty Lambert said, "Our office takes these situations very seriously, and we will work with the State to put an end to this practice in our county."

Richards was found guilty of felony theft in the amount of \$1,523, and faces sentencing in June.

Deputy Gallatin County Attorney Elizabeth Ridenour prosecuted the case.

## Employers Provide Best Protection Against Unemployment Insurance Fraud

by Robin Vander Voort  
406-444-2937

[rvandervoort@state.mt.us](mailto:rvandervoort@state.mt.us)



Employers can help in the prevention of Unemployment Insurance fraud by carefully checking their quarterly charging statements. These statements list all the employees who have drawn benefits during the past quarter. If an employer finds an employee on these statements and believes the individual is working full time or part-time, the employer should contact our agency immediately.

Timely response to letters from the Unemployment Insurance Division provides claims examiners with the information needed to make an appropriate determination on unemployment claims. When employers do not respond to the documents sent, claimants may be found eligible to file for Unemployment Insurance benefits. Occasionally, claimants have been discharged, or quit, or any other number of other reasons, which would disqualify them from receiving benefits, but without knowledge of this information, the claimant may be deemed eligible.

Employers also receive quarterly audits on employee claims. These forms may seem like a burden to fill out, but they save employers money

by providing the department with this information.

All employers should utilize the New Hire Reporting form to report any new hire to the Department of Revenue. Unemployment Insurance utilizes this report to run a cross match to make sure claimants who are newly hired are reporting their hours and earnings. This has been our best tool at stopping Unemployment Insurance fraud.

Montana employers are generally very timely in providing the Unemployment Insurance Division with requested information in a timely manner. This enables us to keep accurate information and to contact claimants to determine why they are not reporting hours and earnings. Overpayment (paying more money to claimants than they are eligible to receive) amounts can be kept to a minimum with fewer weeks involved.

Employers are always welcome to call the Unemployment Insurance Benefits Claims Investigation unit to report anything they think may be suspicious.

# Overtime Requirements for Montana Businesses

**John Andrew**

In March of 2003 the U.S. Department of Labor began the process of amending the rules that define the requirements necessary to be exempt from overtime and minimum wage as a bona fide professional, administrative, executive and outside sales employee. These rules are commonly referred to as the 541 regulations. During the comment period on the initial proposed rules approximately 80,000 comments were received. After review of the comments the final draft of the proposed rules was posted in the federal register on April 23, 2004. There were many changes between the initial draft and the final posted version of the rules.

Montana also exempts the same classification of employees from overtime and minimum wage. By statute the definition of outside sales personnel in Montana is directly tied to the federal definition. Thus, the definition for this category of worker is the same regardless of whether the business is subject to federal or state law and compliance with one law will mean compliance with the other. In the other three categories the Montana rules now vary substantially from the new federal rules.

Based on longstanding interpretations of the interplay between state and federal law it is widely accepted that if Montana law has a higher standard than its federal counterpart the higher standard must be applied regardless of whether the business is under federal or state jurisdiction. Federal law applies in general terms to any business whose gross sales exceed \$500,000; any business engaged in interstate commerce; or, any individuals who are involved in the production of goods moving in commerce. Other specific types of employers, such as state and local government, hospitals, nursing homes and other enumerated entities are also subject to federal law. Under the new federal standards this means that to gain the exemption bona fide executive, administrative and



professional employees, in addition to meeting other standards for exemption contained in the new rules, must receive a salary of at least \$455 per week. The Montana law, although it has a lower salary threshold continues to have other requirements for exemption that likely are higher than contained in the new federal rules. This means that those businesses subject to the federal law, in addition to meeting the new federal salary and exemption standards, must also to continue to meet the existing Montana standards as well.

In terms of amending the Montana regulations the Montana Department of Labor does have rule making authority in this area of the law. The department could adopt the federal regulations in whole or in part, continue with the status quo, or seek legislative guidance on how to proceed. All of these options are under consideration, but since these federal proposals are so new and so untested nothing has been decided, although legislative guidance may be a preferred route.

For now at least it is clear that the new salary threshold must be considered by those enterprises and individuals covered by the federal law. We also know that regardless of whether a business or person working

in the business is subject to state or federal law the burden of proving the requirements for exemption continues to rest with the employer asserting the exemption. For this reason we continue to recommend that employers be prudent about which positions they classify as exempt from the law and that they carefully review these positions to ensure the exemption applies with regard to both state and federal regulations.

At this time, and because the rules are so new, the U.S. Department of Labor is recommending that you review their website at <http://www.dol.gov/esa/whd/> for further information on the changes. More information on the Montana law can be obtained either by calling 444-5600 or by viewing our website at [www.mtwagehourbopa.com](http://www.mtwagehourbopa.com)



## REGIONAL FOCUS: Northeast Montana Valley & Roosevelt Counties

### Valley County Fast Facts

**Population (2000):**  
7,675

Valley County is  
Montana's 27th most  
populous county.

Valley County is home to  
the world's largest  
hydraulic-filled dam, Ft.  
Peck Dam.

**Land Area:** 5,062  
sq. miles

### Roosevelt County Fast Facts

**Population (2000):**  
10,620

Roosevelt County is  
Montana's 17th most  
populous county.

Roosevelt County is home  
to the Ft. Peck Indian  
Reservation.

Wolf Point, the county  
seat, is Montana's 28th  
largest city.

**Land Area:**

2,356 sq. miles

SOURCE: U.S. Department of  
Commerce



**Ft. Peck Lake. Photo by Donnie Sexton, Travel Montana.**

### Betty Stone

Almost 1 year after Captain Meriweather Lewis and William Clark with their Corps of Discovery (initially 42 strong) left St. Louis to explore the northern sector of the newly acquired Louisiana Purchase they entered what is now Valley County. After spending a harsh winter with the Mandan Indians they set out in early spring, anxious to explore land that was uncharted.

As the Corps of Discovery, (now 31 men, 1 woman, and an infant) traveled the area of the river between the present day towns of Frazer and Nashua, Lewis noted "the country we passed today on the North side of the river is one of the most beautiful plains we have yet seen, it rises gradually....then becoming level as a bowling green....as far as the eye can reach."

Around noon the following day, May 8<sup>th</sup>, 1805, they arrived at the Milk River. This was both exciting and encouraging for the Expedition as it helped better estimate the amount of land included in the Louisiana Purchase. Captain Clark climbed to the top of what is now the Milk River Observation Point to survey the surrounding countryside. He said he had a perfect view of the river and country through which it passed for a

great distance, probably 50 or 60 miles. Today you can experience this extraordinary view by taking a short hike from the parking area of the Observation Point. Sacagawea must have been delighted to find these hillsides abundant with the white apple and wild licorice. The boiled root of the white apple may have provided a welcome addition to their staple diet.

The next day, May 9<sup>th</sup>, the discoverers passed the bed of "the most extraordinary river I ever beheld," according to Clark's journal. "It is as wide as the Missouri is at this place or ½ a mile wide and not containing a single drop of running water....This stream we called Big dry river." Today the Fort Peck Reservoir covers this area, which is referred to as the Big Dry Arm of Fort Peck Lake.

Though generations of settlers and immigrants have made their mark on the valleys of the Missouri and Milk Rivers, the essence of their beauty remains. The river below Fort Peck Dam still cuts a gentle, twisting line across the prairie. The bottomland still holds a rich loam soil that supports cottonwood and ash trees, and fields of wheat and barley. This land of prairie grasses, badland buttes, and pine trees plus the rich river bottoms that once clothed and fed the native

*Continued...next page*

## LOCAL RESOURCES:

### Northeast Montana Workforce Development System

#### **Mona Amundson**

The Northeast Montana Workforce Development System serves five counties in the northeast corner of the state: Daniels, Phillips, Roosevelt, Sheridan and Valley, with main offices in Glasgow and Wolf Point. Numerous outreach sites in smaller communities further support the system.

Currently the Glasgow Center houses Job Service and Two River Economic Growth, a local economic development organization. This partnership has proven to be an excellent example of how workforce development and economic development can work together for the betterment of the business community. Both entities concentrate and collaborate on business and job development activities within our service area, including but not limited to business development, business retention, workforce development, workforce retention and community workforce training needs assessments.

The Wolf Point Center houses Job Service, Hi-Line WoRC, Fort Peck Tribal Workforce Development Office, Assiniboine Sioux Tribal Enterprise Community Office and will soon house the Unemployment Insurance Field Auditors Office. These partnerships have proven to be a great example of how diverse programs can share resources and work effectively and efficiently to provide services to job and training seekers.

Both centers house business advocates who provide intensive services to the businesses in Northeast Montana. The business advocates provide human resource services including policy manual reviews & development, development of job descriptions, interview & hiring facilitation, various employment workshops and seminars as well as any other customized HR service that businesses need.



**Glasgow office of the Northeast Montana Workforce Development System, 74 4th Street, Glasgow. Call 406-228-9369**



**Wolf Point office of the Northeast Montana Workforce Development System, 201 Main Street, Wolf Point. Call 406-653-1720.**

#### ***Continued from previous page...***

Indian tribes now helps feed the world. The mystery of the Missouri is as alluring today as it was then.

The path taken by Lewis and Clark is commemorated today on maps and highways with signs denoting the Lewis and Clark Trail. Follow these signs and you are near the trail of the original explorers. Visit the following sites in the area to learn more of the fascinating journey of Lewis and Clark through Valley County.

**LEWIS AND CLARK OVERLOOK:** located at the east end of Fort Peck Dam along Highway 24. Interpretive signs, picnic area, RV parking. Wildlife along this area of the trail is interpreted as well as Sacagawea's heroic effort that may have saved the entire expedition.

**MILK RIVER OBSERVATION POINT:** approximately 3 miles East of the Fort Peck Dam turn north off of

Highway 24 onto Tower Road. Travel approximately 1 mile north to the parking area. A short, somewhat steep, hike will place you in Clark's footsteps where you will find a spectacular view as well as exhibits that interpret the land of Assiniboine Indians, the Milk River and cottonwoods.

**VALLEY COUNTY PIONEER MUSEUM:** located on Highway 2 West in Glasgow, open May 1 through Labor Day, 10 a.m. to 7 p.m. The new Lewis and Clark exhibit features a large mural by artist, Jesse W. Henderson, a Chippewa-Cree from Rocky Boy. The museum has a full mount Audubon sheep, one of the many discoveries of Lewis and Clark, which are today extinct. Also on display is a remarkable painted-hide teepee, one of only 3 Assiniboine teepees dating back to the days before canvas.

**INTERPRETIVE SITES ALONG THE LAKE:** signs interpreting Lewis and

Clark's experiences in the specific area are located at the following access points: The Pines Recreation Area, Hell Creek State Recreation Area, Bone Trail Recreation Area, Devil's Creek Public Use Area, Fourchette Bay Recreational Area, and Crooked Creek. Discover the creek named after Sacagawea, the campsite thought to be on a Minitare/Blackfoot battlefield, and where the courage and tenacity of the expedition was tested.

Activities scheduled in early May 2005 to commemorate the Lewis and Clark Bicentennial in Valley County include: Lewis and Clark Days in Nashua and the National Park Service Corps II traveling exhibit in Glasgow/Fort Peck. The area will commemorate Lewis and Clark's entering Montana on April 29, 30 and May 1<sup>st</sup>, 2005 at Fort Union with a three-day event, "Lewis and Clark at the Confluence, *"this long wished for spot."*

## Moving Towards Completion of the Fort Peck Dam Interpretive Center & Museum

Fort Peck Corps of Engineers



**Ft. Peck Dam Interpretive Center.**

Exterior construction of the Fort Peck Dam Interpretive Center & Museum was completed the summer of 2003. Fall of 2003 was a busy one as sidewalks and parking lots were completed, the existing nature trail was expanded approximately 1.5 miles to include access to the Interpretive Center and along the river, and a public shelter was added to the building's east side. In 2004, underground sprinkler systems and drip irrigation will be installed. Native trees and shrubs will be planted along with other landscape work. A rock pier and an ADA sidewalk are also planned for 2004.

The U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and Fort Peck Paleontology Inc. are working with Split Rock Studios to develop the exhibits for the Center. The Corps of Engineers is planning to

begin exhibit fabrication this year. The plan is to open the Interpretive Center with some completed exhibits this summer. This, however, depends on budgeting issues that are presently up in the air. The ultimate target date for completion of exhibits is May, 2005.

Once completed, the Interpretive Center will house displays on boomtown life, Fort Peck Dam construction, a skeleton cast of the Peck's Rex, wildlife dioramas, two large aquariums, a fleshed out model of a Tyrannosaurus Rex, and eventually a children's area. Also in development is a multi-purpose room to be used for interpretive programs, classes, AV programs, public meetings, special events and more.

## Women's Resource Center Partners with Job Service to Help Job Seekers Prepare for Work

Beth Pohl-Blakeman



The Women's Resource Center of Glasgow (WRC), is a partner with the Northeast Montana Job Service Workforce Center. As a partner the WRC has benefited by receiving support assistance from Job Service staff for human relations issues, technical support and use of the Job Service training room for community offered trainings. The services provided has improved the WRC internally, with staff and board support and externally by giving exposure to the many services provided by the WRC in allowing us to host speakers on various topics.

The Women's Resource Center's (WRC) mission is to provide progressive social, educational and cultural opportunities for community members.

The WRC is dedicated to supporting and empowering individuals through advocacy, services and quality programs. Collaborating with the Northeast Montana Job Service Workforce Center has strengthened the mission of the WRC.

The WRC and NE Montana Job Service assist employers and employees with information on workplace violence and victim's rights in the cases involving Orders of Protection, Safety Planning for victims, and discrimination due to domestic violence.

Please contact the WRC to find out more about WRC sponsored upcoming trainings or for victims' assistance at 406-228-8401.

# Francis Mahon Deaconess Hospital: A Legacy of Health Care in Northeast Montana

## Patsy Krause

**The first known hospital in the Glasgow area** was established in 1889 when three boxcars were placed in formation of the letter 'H.' In the late 1800s the new Great Northern Railroad was responsible for many accidents and sickness. In order to cope with the situations, the railroad, in 1889, supplied the first hospital in Glasgow. Ordinary camp cots served as hospital beds and ten traditional pot-bellied stoves heated the cars. Since there were no trained nurses, friends and family cared for the sick or injured.

In 1910, A.W. Mahon offered to donate an entire block of land for a hospital. The community accepted the gift and a stock company formed to raise funds for a \$15,000 hospital.

**Frances Hoyt Mahon Memorial Hospital** opened its doors on November 21, 1911, and at the time, was the most modern hospital in the state.

The name of the hospital was changed to **Frances Mahon Deaconess Hospital** in 1914, when the Deaconess Hospital of Great Falls Montana offered to give the Glasgow hospital a three year lease. The lease offered assistance including equipment, financing, and caring for the new establishment. In the first four years, the hospital staff cared for over 1,400 cases. In 2003, hospital staff cared for over 25,000 people.

## 1935 Three Story Hospital

The community of Glasgow has been in advance of other communities in northeastern Montana in establishment of medical and hospital facilities. The first time was when the hospital was constructed in 1910-11 and the second time was during the period of 1934-35 when the 60 bed modern three story, brick structure was conceived and constructed. The need for the new hospital was recognized as a result of the Fort Peck dam project. At that time the federal Public Works Administration provided a loan and grant, for the new building.

## 1978 New Hospital Constructed

In 1978, trustees dedicated a newly constructed hospital that included a surgery suite, emergency

room, 24 more hospital beds and an office area. A huge community effort called "Operation Update" was organized. The community fund drive raised over 2 million dollars, far exceeding their expectations, to build the new hospital. A proud local community took pride in their modern, most up to date facility in the region. The 1935 three story building was remodeled to accommodate doctor's offices and clinics.

## 1988 Wing Added for CDC

In 1988 a wing was added to Frances Mahon Deaconess Hospital for the Chemical Dependency Center. The center was formerly located at the Glasgow Air Force Base. The Chemical Dependency Center was relocated to downtown Glasgow in 1992 and the hospital space was remodeled for offices and support services of Frances Mahon Deaconess Hospital.

## 1998 New Clinic Building is added

The Glasgow Clinic moved to the new clinic building in May 1998. The building eliminated the former separation of the Glasgow Clinic between the second and third floors of the Medical Arts Building (1935 building). The building has a spacious reception area, central nursing station, facility for outpatient surgery, and space for eight doctor's offices. The new clinic building is part of the hospital's mission to provide the best in family practice medicine to northeastern Montana. It allows more convenience to doctors and their patients in the hospital. The clinic building has additional space available for future clinics and department expansion. The 1935 building is used for doctors' clinics, visiting specialist clinics, and support services.

Recent updates to the hospital include a new MRI suite, and a new area for labor, delivery, recovery and postpartum. All mothers get a private birthing room and the newly remodeled rooms have Jacuzzi tubs for use during labor. The new design promotes privacy for the mom and allows her support people to be present for the delivery.



Frances Mahon Deaconess Hospital has undergone many remodeling phases and this past year saw one major one completed. After much planning and organization the surgery crew moved in and used the new surgery suite.

Today, FMDH is a major employer in Valley County currently employing over 220 employees.

With advancements in technology there have been many changes seen at Frances Mahon Deaconess Hospital in Glasgow since the days of the box cars in 1889. Northeast Montana can be very proud and confident in the medical services provided at Frances Mahon Deaconess Hospital.

## Educational Opportunity: Medicare Set-Asides and Workers' Compensation

Ann Komac



Medicare issues in workers' compensation arise when future medicals are settled on an accepted claim. The Medicare Secondary Payer regulation makes it clear that Medicare is only secondarily responsible. How the regulation applies to workers' compensation claims is a national issue and one of great significance to employers.

The International Association of Industrial Accident Boards and Commissions has responded to this new and developing topic by offering an online training module entitled: Medicare Set-Asides and Workers' Compensation: How to Avoid Serious Trouble by Protecting Medicare's Interest as a Secondary Payer. This course contains the legal background on Medicare's status as a secondary payer of medical bills. In addition, it reviews the enforcement tools used by the Centers for Medicare and Medicaid Services and gives practical

tips on how to protect the interests of claimants and other parties to a settlement while satisfying Medicare's interests. This program is for attorneys, claims adjusters, employers, and other work comp and insurance professionals interested in educating themselves about the relationship of Medicare and workers' compensation.

For a detailed description of the course and its many features, please visit: [www.iaiaabc.org/Education/medicare\\_training.htm](http://www.iaiaabc.org/Education/medicare_training.htm) The course tuition is \$45.00, payable by credit card. If you request continuing education credit, an additional testing and reporting fee of \$15.00 is added, for a total fee of \$60.00. This course has been approved 2.25 Continuing Legal Education self-study credits.

## Mark Your Calendar: 2004 Governor's Conference on Workers' Compensation and Occupational Safety and Health, September 8-10

David Elenbaas

The Governor's Conference on Workers' Compensation and Occupational Safety and Health will be held in Big Sky at Big Sky Resort on September 8, 9 & 10, 2004.

The conference is an educational opportunity for those individuals interested in any aspect of the workers' compensation or occupational safety and health fields. Conference participants typically include safety professionals, industrial hygienists, insurer representatives, claim adjusters, rehabilitation counselors, medical providers, attorneys, employers and injured workers. The Governor's Safety awards will be presented at the annual banquet to recognize those employers who have made an outstanding commitment to occupational safety and health.

New this year is the opportunity to register and pay online on the Internet. Additional information on the Conference and online payment options is available on the Internet, at: <http://erd.dli.state.mt.us/upevents.asp>

### KEYNOTE SPEAKERS:

**Bruce S. Wilkinson, CSP,**

**Workplace Consultants, Inc.,**

Mr. Wilkinson is a leadership consultant, professional keynote speaker, workplace trainer, author and implementation specialist who reinforces personalized messages with humor, passion, enthusiasm and authenticity. He has degrees in both Safety Engineering and Occupational Safety and Health.

**Wendy Samson, President,  
FutureSync International**

Ms. Samson is a professional in Human Resource Management, certified by the Human Resources Certification Institute. She has spent more than 20 years acquiring training & development skills in a variety of Human Resources, Organizational Assessment & Effectiveness, Service, and Sales & Management positions. Ms. Samson's presentation will be,

"The Management Edge – Igniting Personal Accountability."

**Paul Henry Young, M.D., Founder,  
Microsurgery & Brain Research  
Institute; Clinical Professor, Saint  
Louis University**

Dr. Young was a full-time attending neurosurgeon on the faculty at Saint Louis University School of Medicine for two years and established the Microsurgery and Brain Research Institute of St. Louis in 1984. He is Board Certified by the American Board of Neurological Surgery. He has published many articles on micro neurosurgery of the brain with particular emphasis toward cerebrovascular disease. He also has a keen interest in the microsurgery of spinal disorders. Dr. Young's presentation will be, "The Spine on Parade."

# Chill Out When Working in Summer Heat

Tina Smollack

Did you know that in the 20 years ending in 1999, more people died from extreme heat than from hurricanes, lightning, tornadoes, floods, and earthquakes combined? During that time, there were 8,015 deaths in the United States attributed to heat.

As warm-blooded animals our body mechanisms strive to keep us at an even temperature, somewhere around 98.6°F, even as the body is exposed to varying environmental temperatures. To cool down, our bodies utilize two automatic systems: 1) Internal blood is pumped to extremities to transfer its heat to the environment, thereby cooling us down. 2) When we sweat and the sweat evaporates, evaporative cooling takes place.

Sometimes these automatic responses go awry. And sometimes they cannot keep up with or are thwarted by the environment. If the ambient temperature exceeds body temperature, the body cannot lose its heat by circulating blood to extremities. If humidity is high, the body cannot evaporate sweat to cool off. When our bodies are unable to cool down, various heat stress symptoms can occur, from an annoying heat rash to deadly heat stroke.

Many general factors cause heat stress. Age, weight, degree of physical fitness, degree of acclimatization, metabolism, use of alcohol or drugs, and a variety of medical conditions, such as high blood pressure, affect a person's sensitivity to heat. Additionally, the type of clothing worn must be considered. And, prior heat injury predisposes an individual to additional injury.

It is difficult to predict just who will be affected and when, because individual susceptibility varies. Environmental factors also vary and include radiant heat, air movement, conduction, and relative humidity.

Anyone can suffer a heat illness, even young and healthy individuals if they participate in strenuous physical activities during hot weather. But by taking a few simple precautions, heat stress can be prevented.

- Minimize heat in the workplace, if possible, using ventilation, air conditioning, heat shields, fans, and open windows.

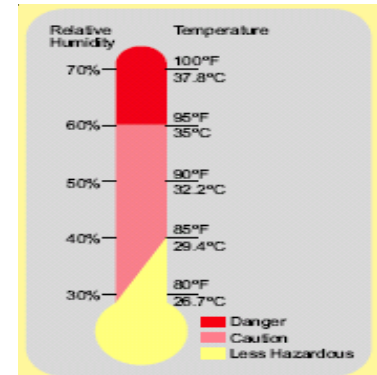
- Condition yourself for working in hot environments. Start slowly, and then build up to more physical work. Allow your body to adjust over a few days.

- Drink lots of liquids. Don't wait until you're thirsty. By then, there's a good chance you're already on your way to being dehydrated. Electrolyte drinks and fruit are good for replacing both water and minerals lost through sweating. Never drink alcohol, and avoid caffeinated beverages like coffee and pop.

- Take a break if you notice you're getting a headache or you start feeling overheated. Cool off for a few minutes before going back to work. If your job requires you to work in a hot environment (foundries, outdoors in sun, bakeries, etc.) implement a work/rest schedule depending on your activity and the temperature. Rest in a cool area.

- Wear lightweight, light colored clothing when working out in the sun. In industries where heat is produced by the nature of work, cooling vests are available.

- Take a cue from your cat, slow down the pace of activity. Or, schedule strenuous work for cooler hours — early morning or evening.



**When the temperature and humidity are both high, red area on the chart, people are in the danger zone for heat stress illness. When temperature is over 98.6° F, blood cannot give off heat to the environment. High humidity does not allow sweat to evaporate.**

With a little caution and common sense, you can avoid heat illness. Sure beats panting. For more information check out the following web sites:

<http://www.pp.okstate.edu/ehs/links/heat.htm>  
<http://www.cdc.gov/niosh/hotenvt.html#stress>  
<http://siri.uvm.edu/ppt/heatstress/sld004.htm>  
<http://www.pp.okstate.edu/ehs/training/heat.htm>  
[http://www.ishn.com/CDA/ArticleInformation/features/BNP\\_Features\\_Item/0,2162,98128,00.html](http://www.ishn.com/CDA/ArticleInformation/features/BNP_Features_Item/0,2162,98128,00.html)

SOURCES:  
 OSHA Technical Manual Section III, Chapter 4  
 Oklahoma State University – Online Safety Library  
 CDC-National Center for Environmental Health "Extreme Heat"  
 Vermont Safety Information Services, "Heat Stress" PPT  
 U. S. Department of Labor, OSHA 3154

## National Scene: The President's High Growth Job Training Initiative

[www.doleta.gov/brg/](http://www.doleta.gov/brg/)

[JobTrainInitiative/](http://JobTrainInitiative/)



The President's High Growth Job Training Initiative, is designed to provide national leadership for a demand-driven workforce system that ensures no worker is left behind.

The foundation of this initiative is partnerships that include the public workforce system, business and industry, education and training providers, and economic development working collaboratively to develop solutions to the workforce challenges facing these industries and to develop maximum access for American workers to gain the competencies they need to get good jobs in these industries.

- Industry representatives define the workforce challenges, e.g., getting career and skill information to young people charting their education and

career courses; accessing new labor pools; defining core competencies for success on the job; training workers; building the capacity of educational institutions to train workers.

- Community colleges and other education and training providers assist in developing competency models and curricula to build core competencies, and train workers.
- The public workforce system accesses human capital (youth, unemployed and dislocated workers) and places trained workers in jobs.

## Facts Concerning the Montana Human Rights Act

**Ron Chen**

**Tami Bishop Rhodes**

The Montana Human Rights Bureau enforces the provisions of the Montana Human Rights Act, and investigates various federal laws for the federal Equal Employment Opportunity Commission. The Montana Human Rights Bureau investigates only those federal laws that deal with unlawful discrimination in employment. The Montana Human Rights Bureau adopts a neutral stance in enforcing and investigating anti-discrimination laws and does not advocate for the complainant or the respondent.

Discrimination may be unlawful when it involves any one or more of a number of protected classes. These protected classes include: race (including all races and not solely minorities), creed, religion, color, national origin, age (including all ages), physical or mental disability, marital status, familial status (in housing only), sex (including sexual harassment and pregnancy), familial status, political belief (in government employment only), retaliation.

The Montana Human Rights Act also makes it unlawful to aid and abet unlawful discrimination.

It is important to note the law only makes it unlawful to discriminate against certain protected classes in limited situations. For example, familial status is a protected class in housing discrimination under the Montana Human Rights Act. However, familial status is not a protected class in employment discrimination. Therefore a complainant should be referred to the Montana Human Rights Bureau to make a determination whether or not they are being unlawfully discriminated against on the basis of a protected class.

The Montana Human Rights Act contains statutes dealing with discrimination in:

- employment
- public accommodations
- housing
- financing and credit transactions
- education
- insurance and retirement plans
- pregnancy (including maternity leave)

The Montana Human Rights Act prohibits discrimination by the state.

The Governmental Code of Fair Practices also contains statutes prohibiting unlawful discrimination in a number of circumstances. These include:

- the employment of state and local government personnel
- employment referrals and placement services
- educational, counseling, and training programs
- licensing
- governmental services
- distribution of government funds
- public contracts
- public accommodations
- retaliation.

The deadlines for filing a charge or complaint of unlawful discrimination vary. The deadline depends upon which laws the complainant asserts have been violated. Both the Montana Human Rights Act and the Governmental Code of Fair Practices require a charge or complaint of unlawful discrimination to be filed within 180 days of the commission of the last act of discrimination. If the complaint alleges a violation of federal law, then the complainant has to file a charge or complaint of unlawful discrimination within 300 days of the commission of the last act of discrimination.

The Montana Human Rights Bureau may be contacted at (406) 444-2884 or at Post Office Box 1728, Helena, Montana 59624-1728 or [www.montanadiscrimination.com](http://www.montanadiscrimination.com)

## DLI Employment Related Resources

### Wage and Hour

Phone: 406/444-5600

- Minimum Wage
- Overtime
- Wage Payment
- Child Labor
- Prevailing Wage
- Mediation Assistance

### Human Rights/Discrimination

Phone: 406/444-2884

- Employment Discrimination

### Safety

Phone: 406/444-6401

[www.montanasafety.com](http://www.montanasafety.com)

- On-site Consultation
- Safety inspections of public sector employers

### Unemployment Insurance

Phone: 406/444-3783

### Workers' Compensation

Phone: 406/444-6543

- Regulation of workers' compensation insurers
- Industrial injury and occupational disease claims
- Uninsured Employer's Fund
- Subsequent Injury Fund
- Medical fee schedules
- Independent contractor exemption
- Construction contractor registration

### Labor Market Information

Phone: 406/444-2430

- Employment Statistics
- Worker Profile

### Labor Exchange Services

Phone your local Job Service Workforce Center  
or 406/444-4100

[www.employmontana.com](http://www.employmontana.com)

- Job Posting
- Applicant Screening
- Skills Testing
- Job Matching
- Interviewing Assistance
- Individual Employer Assistance

### Job Training Programs

Phone: 406/444-4100

- Apprenticeship
- Jobs for Montana's Graduates
- Displaced Homemaker
- Dislocated Worker

*For more information on DLI services, visit our website at  
<http://dli.state.mt.us>.*

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## Core Values of the Montana Department of Labor and Industry

At the Montana Department of Labor and Industry, we are committed to live, breathe,  
walk, and talk our core values:

Customer Focus

Individual Responsibility

Individual Growth

Ethics in the Workplace

Continuous Improvement

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***Montana Department of Labor and Industry***

*Working to promote the well-being of Montana's workers, employers, and citizens, and to uphold their rights and responsibilities.*